

ORIGINAL

Decision No. 80725

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LINAS T. REDMAN dba
CITY CAB CO. AIRPORT
LIMOUSINE,

Complainant,

vs.

NORMAN B. EDWARDS dba
COURTESY CAB CO.,

Defendant.

Case No. 9401
(Filed July 14, 1972)

Linus T. Redman, for himself, and Phil B. Bradford, for Linas T. Redman,
complainant.
Norman B. Edwards, for himself, defendant.
Lionel B. Wilson, Attorney at Law, for the
Commission staff.

O P I N I O N

Complainant Linas T. Redman, doing business as City Cab Co. Airport Limousine, holds authority to conduct operations as a passenger stage corporation as defined in Section 226 of the Public Utilities Code between Kern County Airport and various points within the City of Bakersfield. It alleges that defendant is presently conducting passenger stage operations without the appropriate Commission authority, and it requests that the Commission order the defendant to cease and desist from such operations.

A public hearing was held before Examiner William N. Foley on August 7, 1972 in Bakersfield. The matter was heard and taken under submission.

The complainant acquired its rights by Decision No. 62775, dated November 7, 1961, in Application No. 43791. According to the

testimony of complainant's manager and three drivers, its original certificate authorized the carriage of passengers between the Kern County Airport and three hotels in Bakersfield. However, complainant presently does not operate on a regular route or on a scheduled basis to these three hotels because they have suspended operations. Complainant now operates in the following manner: Its airport limousine meets each scheduled flight arriving at the Kern County Airport, and it will carry passengers to the downtown Bakersfield area at an individual fare of \$1.25. If passengers wish to go to points outside the downtown area of Bakersfield, the complainant runs a meter and charges the amount registered on it.

Complainant presented evidence through its three driver witnesses and its manager which shows that the defendant carries on approximately the same type of service. Defendant has a permit from the City of Bakersfield to operate as a taxicab company. It has eight taxicabs and it employs eight drivers. The defendant sends a vehicle to meet the scheduled flights at Kern County Airport and its driver will attempt to solicit passengers away from complainant's driver and carry them on an individual fare basis to downtown Bakersfield or on a meter basis to some point outside of downtown Bakersfield. One of the co-owners of the defendant admitted that it carries passengers between the airport and downtown Bakersfield on an individual fare basis. This co-owner admitted that she had driven one of its vehicles to the airport and met the scheduled incoming flights for the week prior to the hearing. She also testified that the defendant's individual rate for downtown Bakersfield is \$2.50. The meter rate between the airport and downtown Bakersfield is about \$2.80. Another witness, who had been employed by defendant as a driver, stated that when employed by defendant he carried passengers to the downtown area at an individual fare of \$2.00. The complainant also put into evidence an advertisement in the monthly magazine of a local fraternal organization which states that the defendant will carry people at airport rates.

The complainant's drivers testified that under their method of operating one person who wishes to travel from the airport to downtown Bakersfield is charged a rate of \$1.25. The terminal in the downtown area was identified as the Greyhound Bus Station. If the passenger wishes to go to a point outside the downtown area the complainant's drivers charge the meter rate. If two or more passengers wish to travel to the downtown area the fare remains \$1.25 each.

Complainant requests that the Commission order defendant to cease and desist from the transportation of passengers on an individual fare basis and operating as a passenger stage corporation. Under Section 1035 of the Public Utilities Code the act of "transporting any person or persons by motor vehicle upon a public highway between two or more points not both within the limits of a single city where the rate charged is computed, collected or demanded on an individual fare basis is presumed to be an act of operating as a passenger stage corporation". Defendant admits that it carries passengers on an individual fare basis between Kern County Airport, some five miles outside the city limits of Bakersfield, and the area of the Greyhound Bus Station in downtown Bakersfield. This practice places defendant in the status of operating as a passenger stage corporation. (Charter Sedan Service v. Robert Nyhand (Bob's V.I.P.'s Associated Limousine Service), (1969) 70 Cal. P.U.C. 22.)

The Commission concludes that a cease and desist order should be issued. However, the evidence also shows that complainant is not fully complying with the operating requirements of a passenger stage corporation. For instance, complainant's operations do not, in fact, include scheduled service to any specific point in downtown Bakersfield. Secondly, complainant does not operate over a regular route. The nearest it comes to operating on a regular schedule is that it does meet all scheduled incoming flights. Furthermore, complainant does not schedule any pick-ups in Bakersfield on the way out to the airport to meet these scheduled flights. Rather, it will take passengers to the airport only upon being called on the telephone. In providing this latter service, it requires thirty minutes' notice in order for the passenger to receive the airport limousine rate to

the airport. If the call for carriage to the airport is less than thirty minutes the passenger is charged the meter rate. Therefore, the Commission will admonish the complainant to seek amendment of its certificate and establish a definite route and a definite point in Bakersfield at which it will conduct a minimum level of passenger stage service.

Based on the evidence presented, the Commission makes the following findings of fact.

1. Defendant operates a taxicab service within the city limits of Bakersfield.
2. Defendant carries passengers between the Kern County Airport, which is five miles outside the city limits of Bakersfield, to the downtown Bakersfield area, on an individual fare basis. This fare is usually \$2.00 or \$2.50.
3. Defendant does not hold any operating authority from this Commission to operate as a passenger stage corporation.

Based upon the foregoing findings of fact the Commission concludes that defendant has operated as a passenger stage corporation in transporting persons on an individual fare basis in certain of its operations and should be ordered to cease and desist from such operations.

O R D E R

IT IS ORDERED that:

1. Defendant Norman B. Edwards, doing business as Courtesy Cab Company, shall cease and desist from operations as a passenger stage corporation in the transportation of persons on an individual fare basis between the Kern County Airport, on the one hand, and downtown Bakersfield, on the other hand.

2. Complainant Linas T. Redman, doing business as City Cab Co. Airport Limousine, shall seek amendment of its certificate within ninety days of the date of this decision to set forth a current statement of the route and schedule of operations it is authorized to provide.

The Secretary of the Commission is directed to cause personal service of this order to be made upon the defendant and the complainant. The effective date of this order shall be twenty days after the completion of such service.

Dated at San Francisco, California, this 15th day of NOVEMBER, 1972.

Vernon L. Sturgeon
President
Joseph J. Murphy
William J. Murphy
John J. Murphy
Edward J. Murphy
Commissioners